

## ***Executive Summary***

### ***Council Review Draft of the Zoning Ordinance Update***

### ***Council Study Session Presentation November 19, 2009***

This ***Council Review Draft*** of the Zoning Ordinance Update project lists the articles, chapters, and sections that are recommended for inclusion in Title 11 (The Zoning Ordinance) of Mesa's City Code. It responds to and consolidates the previous public documents, known as "Modules 1 through 4" and incorporates public, staff, advisory board and Council comments on each the individual modules. The Council Review Draft has been written to be consistent with the recommendations of the *Issues and Options Working Paper* that was presented to the City Council in 2007 (available on-line at <http://www.mesaaz.gov/Planning/ZoningOrdinanceRewrite/Default.aspx>) with the following objectives in mind:

- To consolidate zoning provisions in a logical, user-friendly format;
- To make zoning consistent with the General Plan and federal and State law;
- To create a new, more flexible framework for regulating neighborhood character and reflecting distinctions between design;
- To incorporate new directions in development policy that have been identified by the Planning and Zoning Board, the City Council, and the General Plan on a diverse range of topics, including infill development, transit-oriented development, mixed use, and administrative procedures;
- To clarify decision-making responsibilities; and
- To streamline design review and development approval.

These objectives have led to a number of significant changes and new elements in the draft update of zoning ordinance. New zoning districts have been created to address General Plan policy, including four base zones:

- RSL (Residential Small Lot, with 4 variations)
- MX (mixed use)
- TMX (Transit Mixed Use, with 2 variations)
- HI (Heavy Industrial)

Also, there is one new additional density option for multiple residence districts – RM-5, set at 43 dwelling units per acre, and there is one new overlay zone—IN (Infill).

The ***Council Review Draft*** also contains regulations for a variety of aspects of development not covered in the current ordinance, including building standards, optional incentives for affordable housing, and comprehensive performance standards. Other sections have undergone significant expansion and revision, such as regulations for antennas and wireless communications facilities, nonconforming uses and structures, parking requirements, and landscaping. Finally, in response to concerns raised by residents, the development community and City staff, many vague elements of Mesa's existing design guidelines have been removed from the ordinance, while measurable, enforceable guidelines are correctly relabeled as standards and organized in appropriate chapters.

While sections of the ordinance not mentioned above have undergone fewer changes, they have all been reorganized to enhance code usability. All chapters have been grouped into eight articles to

provide an additional level of organization. The current regulations of Chapter 13, supplemental provisions, as well as Chapter 15, site development design standards, have been consolidated and restructured in Article IV of the draft document. This new article elevates key elements of the ordinance to the chapter level in order to highlight their importance, and regroups others into chapters with narrower topics, such as performance standards, standards for specific uses, and nonconforming uses. Definitions and use classifications now appear at the end of the ordinance as an auxiliary reference section, General Terms. Additionally, many smaller changes to code organization have been made to allow users to locate and understand information more efficiently.

### **ORGANIZATION OF TITLE 11**

The draft Zoning Ordinance Update is intended to provide a logical structure to the revised ordinance so that it will be easy to use and amend over time. The numbering system remains consistent with the existing ordinance, although a new level in the code's hierarchy—article—has been added to organize chapters into logical groups. The final version of the ordinance also will include “reserved” sections at the end of each chapter to facilitate incorporating zoning amendments into logical places within the ordinance.

Generally, the most frequently consulted sections appear towards the beginning of the ordinance, while more specific and less frequently used parts—including administration, permits, and definitions—have been moved to the end. In all, Title 11 will comprise eight articles, in the following order:

Article I	–	Introductory Provisions
Article II	–	Base Zones
Article III	–	Overlay Zones
Article IV	–	Regulations Applying to Multiple Zones
Article V	–	Reserved for the Sign Regulations
Article VI	–	Reserved for Form-based Development Regulations
Article VII	-	Administration and Permits
Article VIII	–	General Terms

Within each of these articles, chapters and sections have been ordered to flow logically from one idea to the next. Typically, chapters begin with statements regarding their purpose and applicability, then list general standards and move progressively to more specific regulations. Many chapters end with references to other parts of the ordinance, such as permits, that present further, related regulations.

### **ARTICLE I: INTRODUCTORY PROVISIONS**

This article establishes the overall purposes of the zoning code text and map and the general rules that govern their applicability and use. Because the proposed general rules for construction of language and interpretation and the specific rules for measurement and calculation apply to subsequent sections, they should be included in the beginning of the code for easy reference.

### **ARTICLES II AND III: BASE AND OVERLAY ZONE REGULATIONS**

Zone regulations specify the land use and development and design standards for each of the base and overlay zones. Each zone has a purpose statement, a list of allowed uses specifying the level of discretionary review required, development and design standards applicable to those uses,

supplemental regulations addressing any additional concerns, and references to administrative chapters that specify required levels of review. Although the abbreviations, and occasionally the names, of many zones have been changed, it is anticipated that these changes will result in a more intuitive understanding of the link between the names of the districts, and the purpose and intent of what would be developed within each of these districts.

### **Purpose Statement**

Each zone has a specific purpose that is based on relevant General Plan policies and designations on the Land Use Plan and explains in general language the way the zone is intended to be used and how it fits into the City's land use policy. These statements serve as a guide for administration of zone regulations, and provide a basis for the findings required for action on discretionary permits. They also serve as specific reference criteria for rezoning to implement General Plan policies. Purpose statements ensure that each zone is clearly complementary to others and that Mesa uses its full range of options when applying designations to the zoning map.

### **Land Use Regulations**

Allowed uses are classified according to use groups and presented in tables intended to provide a quick and easy summary of development possibilities in a given zone. Use tables specify the level of review required, list any limitations on permitted uses, and provide cross-references to other sections of the ordinance where additional regulations apply. While Mesa's existing use group classifications generally work as they are intended, some modifications to this classification scheme have been suggested in drafting this Update to the ordinance.

### **Development Standards and Supplemental Regulations**

The standards of each zone list dimensional requirements for lots, setbacks, minimum open space and building heights, as well as limits on density. Supplemental regulations will include elements such as performance criteria that implement General Plan policy and ensure compatibility among uses in a given zone. Some existing regulations in the present Chapter 13, Supplementary Provisions, and Chapter 14, Design Guidelines, have been moved to the supplemental standards of a specific zone if the regulation applies only in that zone. Examples of supplemental standards in commercial areas include:

- Building design, orientation, and entrance location
- Street façade design and window transparency
- Pedestrian amenities
- Landscaping, buffering, and screening
- Access requirements

These standards may modify, expand upon, or allow exceptions to similar standards listed in Article IV, Regulations Applying in Some or All Zones, to achieve a zone's stated purposes. In particular, overlays such as the infill (IN) or bonus intensity (BIZ) overlay zones will employ a large number of exceptions to provide development incentives and achieve higher densities at important nodes within Mesa.

### **ARTICLE IV: REGULATIONS APPLYING IN SOME OR ALL ZONES**

This article includes those standards that apply generally to all zones. Standards applicable to particular zones will appear within the development and supplemental regulations of that zone

chapter. Zone chapters will furthermore contain relevant cross-references to these citywide standards. Chapters proposed for this division include the following:

- General Site Regulations
- Standards for Specific Uses and Activities
- Affordable Housing Density Bonus and Other Incentives
- Antennas and Wireless Communications Facilities
- Landscaping
- On-Site Parking and Loading
- Performance Standards
- Signs (not a part of this revision)
- Nonconforming Uses, Structures, and Lots

#### **ARTICLES V AND VI: SIGN REGULATIONS AND FORM-BASED DEVELOPMENT REGULATIONS**

These articles have been reserved to allow for insertion of the existing sign ordinance, which was not a part of this Update project, and in anticipation of the development of form-based regulations.

#### **ARTICLE VII: ADMINISTRATION AND PERMITS**

This article expands upon and refines many of the administrative sections in the current zoning ordinance. Chapters have been organized to list first the responsibilities of all decision makers, followed by a new “common procedures” section that establishes procedures applicable to all types of approval. The article then proceeds to more specific processes and permits in an order meant to reflect their relative frequency of use. The article also clarifies the complementary roles of the Planning and Zoning Board, Planning Hearing Officer, Board of Adjustment, Zoning Administrator (and ZA Hearing Officer), Design Review Board, and Historic Preservation Committee by listing the responsibilities, authority, and exact types of findings that each person or body is required to make when deciding on an application.

#### **ARTICLE VIII: GENERAL TERMS**

The last article proposed for the ordinance update serves as a reference section for previous articles. This article contains two main parts: use classifications and definitions. The chapter on use classifications lists all use groups established by the ordinance in every zoning district by type (i.e., residential, commercial, industrial, institutional, etc.). The second chapter will contain definitions of all key terms used in the ordinance, mainly drawn from the present Section 11-1-6 of the current zoning ordinance, supplemented by new terms used in the updated supplemental standards and new regulations and procedures.

#### **SUMMARY OF A FEW MAJOR REVISIONS TO LAND USE DEVELOPMENT POLICIES**

##### **Mixing of Uses**

The present zoning ordinance tends to provide strict segregation between land use types or classifications. With the proposed Update, options for additional land use classifications have been added to several districts. These additional land uses are generally limited by scale or specific occurrence, and are often placed in a zoning district that may consist of predominately different land uses. As an example, small scale restaurants or cafes, or retail stores are proposed to be allowed in office districts, provided the floor area of the use is limited to less than 1,500 square feet

and the aggregate of all these uses is less than 3% of the aggregate gross floor area of the complete project. Such allowances provide opportunities for newsstands, coffee shops or sandwich shops in larger office developments, without the need to rezone the entire site for retail uses. There are several other examples of this mixing idea.

In addition, three new base zoning districts are proposed that are specifically designed as mixed-use districts: the MX, the TMX-1 and the TMX-2. The MX district is intended for use where a site might normally be zoned the current C-2 or PEP, and is designed to incorporate residential activity with office and more typical commercial uses, and some education or research and development uses. This mixing of land use is intended to encourage an urban-oriented style of development. The two TMX districts are designed to take advantage of the extension of the light-rail and bus-rapid transit system, and can serve as an alternative set of requirements if the anticipated form-based approach is not preferred.

### **Increased Densities for Multiple Residence Districts**

Under present requirements, the maximum densities in the R-2, R-3 and R-4 districts are 12, 17 and 25 dwelling units per acre, respectively. Under the proposed Update, these maximums would increase to 15, 20 and 30 dwelling units per acre, respectively. In addition, a new fourth density option, the RM-5 district, would provide an allowance for up to 43 du/ac.

### **Prescriptive Standards**

Where possible, design and aesthetic related standards have been rewritten from “should” to more prescriptive and measureable “shall” language. This is intended to provide more predictable and understandable standards for the designer, the developer, and neighboring land owner.

### **Provide Bonus Incentives for Preferred Development**

In circumstances in which the Council wishes to reward a particular type or method of development, the Update provides opportunity for economic incentives, such as increased floor areas, increased residential density allowances, or reduced setbacks. It also takes into account alternative development standards such as reduced parking minimums for locations adjacent to transit stops. One option would allow stepped increases to the maximum residential density allowed on an infill designated site as a reward for the private assembly of land parcels into more usable development lot sizes. As more land is assembled, the maximum density allowed on the development site also increases. This allows smaller lots to remain single residence, but also rewards land assembly by doubling the allowable density on the property.

### **Allowances for Front and Rear Yard Additions in Single Residence (RS) Districts**

Present building setback standards have been in place for several years, and in several circumstances, the initial location of the residence left few options for expansion or additions. As a result, some homeowners that may want to remain in a neighborhood do not have available options to building an addition, except to go up, or seek a hard-to-receive variance. Allowances have been proposed to permit the livable area of the residence (as opposed to the garage) to encroach 10 feet in the front, and up to 10 feet in the rear for one-half the width of the dwelling. This should permit space for room additions on existing homes that had been previously limited because of the existing setbacks. Corresponding increases to roof coverage requirements will also allow for these building additions.

## **Multiple Development “Character” Standards**

Since the adoption of Design Guidelines in 1986, development standards related to Commercial, Industrial and Multiple Residence land uses have largely followed one set of standards regarding items like setbacks, building separations, building design aesthetics and landscaping standards. This one set of standards has evolved, but as it has evolved, there is still a suburban-oriented goal or purpose to the standards. While these Guidelines and standards have provided higher aesthetic requirements, the one-size fits all approach tends to also facilitate a “sameness” to design solutions. Provisions have been made to allow for a general set of three different development conditions: Pedestrian (more urban oriented), Auto (more suburban oriented) and Mixed (a combination of the two). Also, there is opportunity for the creation of design criteria to reinforce the architectural and landscape characters of the various sub-areas of the City. This approach will allow for differing development contexts, and also provide opportunities for new projects and additions to existing development to reinforce established design characters of differing parts of the City.

## **Allowances for a More “Urban” Approach to Development**

In several circumstances, allowances have been made for higher buildings, higher density maximums, smaller building setbacks, or even “build-to” lines that bring a building forward towards the street. Together with the prescriptive aesthetic standards, the intent is to facilitate higher quality projects, and reward better development that promotes pedestrian and transit transportation alternatives. These urban options are also intended to facilitate private redevelopment of “greyfield” sites (for example: existing shopping centers that may have reduced economic activity) by adding uses and standards that permit increased efficiencies in the way and manner a property is utilized. Vertical development becomes an option under these proposals.

At the same time that urban development options have been incorporated into the Update, existing suburban-oriented design standards have also been revamped. Two alternatives, Mixed and Auto, provide a more prescriptive approach to design quality, and incorporate quantifiable requirements. These alternatives should, in the long-term, also help reduce the number of non-conforming sites in the City.

## **CONCLUSION**

In short, this proposed Update to the Mesa Zoning Ordinance modernizes the approach used for regulating land development. It builds upon the successes of the existing zoning code, and incorporates ideas to encourage infill development and greyfield redevelopment, in addition to the more traditional greenfield approaches of building projects. It recognizes the maturing nature of Mesa, and that the City’s growth outward from its downtown is limited, and options are needed to allow for future upward growth. It provides alternatives for encouraging the efficient use of land, for rewarding good design and infill site projects, and for development near transit lines. It recognizes the diversity of this community, and embraces the differences as a strength to be celebrated.